

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PARKER-HANNIFIN CORPORATION, and PARKER INTANGIBLES, LLC,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No. 06-751-MPT
	:	
ZIPPERTUBING (JAPAN), LTD.,	:	
	:	
Defendant.	:	
<hr style="width: 45%; margin-left: 0;"/>		
PARKER-HANNIFIN CORPORATION, and PARKER INTANGIBLES, LLC,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C.A. No. 07-104-MPT
	:	
SEIREN CO., LTD.,	:	
	:	
Defendant.	:	
<hr style="width: 45%; margin-left: 0;"/>		

**DECLARATION OF KEITH A. WALTER, JR IN SUPPORT OF PLAINTIFFS’
CONSOLIDATED CLAIM CONSTRUCTION ANSWERING BRIEF**

I, Keith A. Walter, Jr., do hereby declare:

1. I am a member of the bar of the State of Delaware and have been admitted to practice before this Court.

2. I am an attorney at the law firm of Connolly Bove Lodge and Hutz LLP, counsel for Plaintiffs, Parker-Hannifin Corporation and Parker Intangibles, LLC in this matter. I make this Declaration in support of Plaintiffs Parker-Hannifin Corporation and Parker Intangibles, LLC’s, Consolidated Claim Construction Answering Brief.

3. Attached hereto as Exhibit A is a true and correct copy of selected pages from Webster’s Ninth New Collegiate Dictionary (Merriam-Webster, 1987).

I hereby declare under penalty of perjury that all of the statements made by me
herein are true.

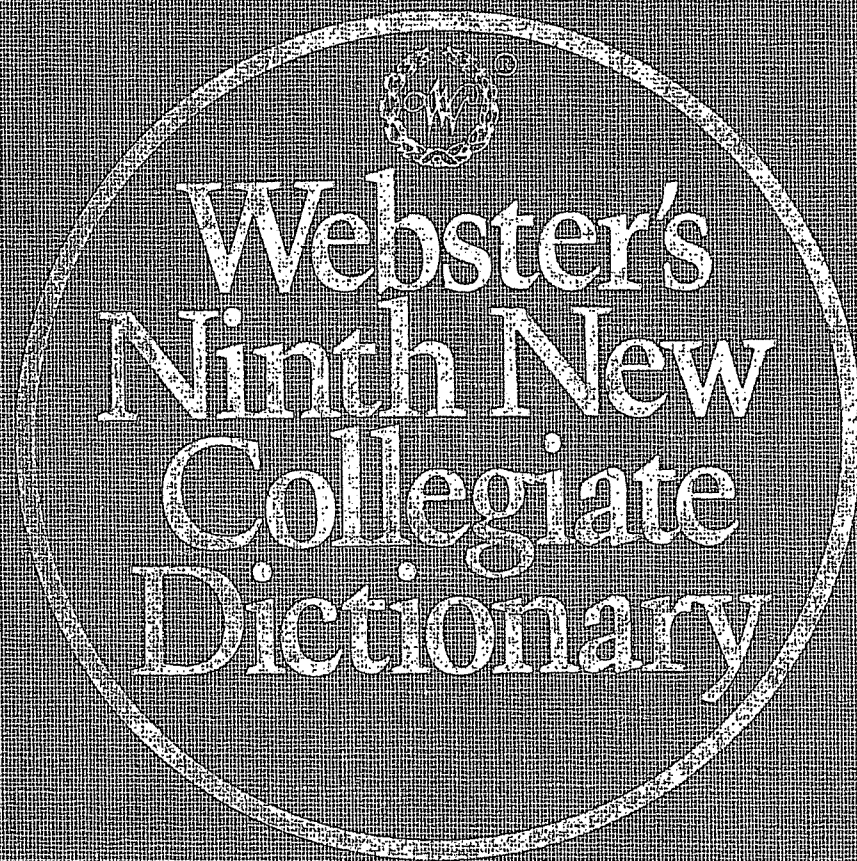
Dated: July 15, 2008

A handwritten signature in black ink, appearing to read "Keith Walter, Jr.", with a long horizontal stroke extending to the right.

Keith A. Walter, Jr.

EXHIBIT

A





A GENUINE MERRIAM-WEBSTER

The name *Webster* alone is no guarantee of excellence. It is used by a number of publishers and may serve mainly to mislead an unwary buyer.

A *Merriam-Webster*® is the registered trademark you should look for when you consider the purchase of dictionaries or other fine reference books. It carries the reputation of a company that has been publishing since 1831 and is your assurance of quality and authority.

Copyright © 1987 by Merriam-Webster Inc.

Philippines Copyright 1987 by Merriam-Webster Inc.

Library of Congress Cataloging in Publication Data
Main entry under title:

Webster's ninth new collegiate dictionary.

Based on Webster's third new international dictionary.

Includes index.

1. English language—Dictionaries. I. Merriam-Webster Inc.

PE1628.W5638 1987 423 86-23801

ISBN 0-87779-508-8

ISBN 0-87779-509-6 (indexed)

ISBN 0-87779-510-X (deluxe)

Webster's Ninth New Collegiate Dictionary principal copyright 1983

COLLEGIATE trademark Reg. U.S. Pat. Off.

All rights reserved. No part of this book covered by the copyrights hereon may be reproduced or copied in any form or by any means—graphic, electronic, or mechanical, including photocopying, taping, or information storage and retrieval systems—without written permission of the publisher.

Made in the United States of America

2526RMcN87

bottle club *n.* (1943) : a club that serves patrons alcoholic drinks after normal legal closing hours from supplies they have previously purchased or reserved
bottled gas *n.* (1930) : gas under pressure in portable cylinders
bottle-feed \ˈbɑt-ṽ-fēd\ *v.* -fed; -feed-ing (1865) : to feed (as an infant) with a bottle
bottle gourd *n.* (ca. 1828) : a common cultivated gourd (*Lagenaria siceraria*) with a variably shaped fruit that is sometimes used as a container
bottle green *n.* (1816) : a dark green
bottle-neck \ˈbɑt-ṽ-nek\ *adj.* (1896) : NARROW (~ harbors)
Bottle-neck *n.* (1907) 1 a : a narrow route b : a point of traffic congestion 2 a : a condition or situation that retards or halts free movement and progress b : IMPASSE 3 : a style of guitar playing in which glissando effects are produced by sliding an object (as a knife blade or the neck of a bottle) along the strings
**bottle-neck v. (1937) : to slow or halt by causing a bottleneck
bottle-nosed dolphin \ˈbɑt-ṽ-nōz-\ *n.* (ca. 1909) : any of various moderately large stout-bodied toothed whales (genus *Tursiops* and esp. *T. truncatus*) with a prominent beak and falcate dorsal fin
**bottle-nose dolphin n. (1940) : BOTTLE-NOSED DOLPHIN
bottling \ˈbɑt-lɪŋ-\ *n.* (1954) : a beverage and esp. a wine that is bottled
bottom \ˈbɑt-əm\ *n.* [ME *botme*, fr. OE *botm*; akin to OHG *bodam* bottom, L *fundus*, Gk *pυθμηνή*] (bef. 12c) 1 a : the underside of something b : a surface designed to support something resting on it c : the posterior end of the trunk : BUTTOCKS RUMP 2 : the surface on which a body of water lies 3 a : the lowest part or place b : the rearmost or innermost point c : the lowest or last place in point of precedence (started work at the ~) d : the trousers or short pants of pajamas usu. used in pl. e : the last half of an inning of baseball f : the bass or baritone instruments of a band 5 : low-lying land along a watercourse usu. used in pl. 6 : BASIS SOURCE 7 : capacity (as of a horse) to endure strain 8 : the main plowing mechanism of a plow 9 : a foundation color applied to textile fibers before dyeing 10 : a quantum characteristic ascribed to certain massive fundamental particles that accounts for the existence and lifetime of upilon particles and has a value of zero for most known particles — **bottomed** \-əmd\ *adj.* 1 : at bottom : REALLY BASICALLY
Bottom adj. (14c) 1 : of, relating to, or situated at the bottom (~ rock) 2 : frequenting the bottom (~ fish)
**bottom v. (1544) 1 : to furnish with a bottom 2 : to provide a foundation for 3 : to bring to the bottom 4 : to get to the bottom of ~
~ vi. 1 : to become basic 2 : to reach the bottom — **bot-tom-er** *n.*
Bot-tom-land \ˈbɑt-əm-land\ *n.* (1728) : BOTTOM 5
Bot-tom-less \-ləs\ *adj.* (14c) 1 : having no bottom (a ~ chair) 2 a : extremely deep b : impossible to comprehend : UNFATHOMABLE (a ~ mystery) c : BOUNDLESS UNLIMITED 3 a [fr. the absence of lower as well as upper garments] : NUDE (~ dancers) b : featuring nude entertainers — **bot-tom-lessly** *adv.* — **bot-tom-less-ness** *n.*
Bottom-line \ˈbɑt-əm-lɪn\ *adj.* (1972) 1 : concerned only with cost or profits 2 : PRAGMATIC REALISTIC
**Bottom-line n. (1967) 1 a : the essential or salient point : CRUX b : the primary or most important consideration 2 a : the line at the bottom of a financial report that shows the net profit or loss b : financial considerations (as cost or profit or loss) c : the final result : OUTCOME UPSHOT
Bot-tom-most \ˈbɑt-əm-moʊst\ *adj.* (1861) 1 a : situated at the very bottom : LOWEST DEEPEST b : LAST (the ~ part of the day — Alfred Kazin) 2 : most basic (the ~ problems facing the world)
Bottom out vt. (1958) : to reach a low point before rebounding (the market will **bottom out in July)
**Bottom round n. (1923) : meat (as steak) from the outer part of a round of beef
Bot-u-lin \ˈbɑch-a-lən\ *n.* [prob. fr. NL *botulinum*] (ca. 1900) : a toxin that is formed by the botulinum and is the direct cause of botulism
Bot-u-li-num \ˈbɑch-a-li-nəm\ also **bot-u-li-nus** \-nəs\ *n.* [NL, fr. L *botulus* sausage] (1902) : a spore-forming bacterium (*Clostridium botulinum*) that secretes botulin — **bot-u-li-na-l** \-lɪn-əl\ *adj.*
Bot-u-lis-m \ˈbɑch-a-liz-əm\ *n.* (1887) : acute food poisoning caused by botulin in food
BOU-BOU \bu-, bu-\ *n.* [native name in Mali] (1961) : a long flowing garment worn in parts of Africa
BOUCHÉE \bū-ˈshā-\ *n.* [Fr. lit., mouthful, fr. (assumed) VL *buccata*, fr. L *bucca* cheek, mouth — more at POKK] (1846) : a small patty shell usu. containing a creamed filling
bou-clé or **bou-clée** \bū-ˈklä-\ *n.* [F *bouclé* curly, fr. pp. of *boucler* to curl, fr. *bocle* buckle; curl] (1895) 1 : an uneven yarn of three plies one of which forms loops at intervals 2 : a textile fabric of bouclé yarn
bou-doir \bud-wär-, bud-'ä-\ *n.* [F, fr. *boudier* to pout] (1781) : a woman's dressing room, bedroom, or private sitting room
bouffant \bü-fant-, bü-'än\ *[F]*, fr. MF, fr. prp. of *bouffer* to puff] (1880) : puffed out (~ hairdos) (a ~ veil)
bougain-villaea also **bou-gain-vil-laëa** \bö-gün-'vil-yä-, bög-, бүг-, -vè-(y)-\ *n.* [NL; fr. Louis Antoine de Bougainville] (1881) : any of a genus (*Bougainvillea*) of the four-o'clock family of ornamental tropical American woody vines with brilliant purple or red floral bracts
BOUGH \bau-\ *n.* [ME; shoulder, bough, fr. OE *bög*; akin to OHG *buog* shoulder, Gk *pechyis* forearm] (bef. 12c) : a branch of a tree; esp. : a main branch — **boughed** \baud\ *adj.*
Bought \boht\ *adj.* [pp. of buy] (1599) : STORE 2 (~ clothes)
boughten \-ən\ *adj.* [*bought + en* (as in *forgotten*)] chiefly dial (1793) : BOUGHT (the only ~ carpet in the region — H. W. Thompson)
boug-ie \bü-zhe-, jē-\ *n.* [F, fr. *Bougie*, seaport in Algeria] (1755) 1 : a wax candle 2 a : a tapering cylindrical instrument for introduction into a tubular passage of the body b : SUPPOSITORY
boul-abaisse \bü-yä-'bas-, bü-yä-\ *n.* [F] (1855) 1 : a highly seasoned fish stew made with at least two kinds of fish 2 : POTPOURRI
bouillon \bü(l)-yan-, bü(-), bü'l-yon\ *n.* [F, fr. OF *boillon*, fr. *boillir* to boil] (ca. 1656) : a clear seasoned soup made usu. from lean beef
bouillon cube n. (ca. 1922) : a cube of evaporated seasoned meat extract
BOULDER \bol-dər\ *n.* [short for *boulder stone*, fr. ME *bulder ston*, part trans. of a word of Scandinavian origin; akin to Sw dial. *bullersten* large stone, trans.]************

in a stream, fr. *buller* noise + *sten* stone] (1617) : a detached and rounded or much-worn mass of rock — **boul-dered** \-dərd\ *adj* — **boul-der-y** \-d(ə)-rē\ *adj*

¹**boule** \'bü-,jle, bü-'lä\ *n* [Gk *boulē*, lit., will, fr. *boulesthai* to wish] (1846) : a legislative council of ancient Greece consisting first of an aristocratic advisory body and later of a representative senate

²**boule** \'büil\ *n*, [F, ball — more at **BOWL**] (1918) : a pear-shaped mass (as of sapphire) formed synthetically in a special furnace with the atomic structure of a single crystal

boul-le-vard \'bü-l-ə,-vård, 'büil-\ *n* [F, modif. of MD *bolwerck* bulwark] (1769) : a broad often landscaped thoroughfare

boul-le-vard-i-er \'bü-l-ə,-vår-'dyä, 'büil-, -'di(ə)r\ *n* [F, fr. *boulevard* + *-ier* -er] (1879) : a frequenter of the Parisian boulevards; *broadly* : MAN-ABOUT-TOWN

bou-le-ver-se-ment \'büil-(ə)-vēr-sə-män\ *n* [F] (1782) 1 : REVERSAL 2 : a violent disturbance : DISORDER

boulle \'büil, byü(ə)\ *n* [André Charles *Boulle* †1732 Fr. cabinetmaker] (1823) : inlaid decoration of tortoiseshell, yellow metal, and white metal in cabinetwork

¹**bounce** \'baun(t)s\ *vb* **bouncing** [ME *bousen*] *vt* (13c) 1 *obs* : BEAT, BUMP 2 : to cause to rebound (~ a ball) 3 *a* : DISMISS, FIRE *b* : to expel precipitately from a place 4 : to issue (a check) drawn on an account with insufficient funds ~ *vi* 1 : to rebound after striking 2 : to recover from a blow or a defeat quickly — *usu.* used with *back* 3 : to be returned by a bank because of insufficient funds in a checking account (his checks ~) 4 *a* : to leap suddenly : BOUND *b* : to walk with springing steps 5 : to hit a baseball so that it hits the ground before it reaches an infield

²**bounce** *n* (1523) 1 *a* : a sudden leap or bound *b* : REBOUND 2 : BLUSTER 3 : VERVE, LIVELINESS

bouncer \'baun(b)-sər\ *n* (1865) : one that bounces : *a* : one employed to restrain or eject disorderly persons *b* : a batted baseball that bounces

bouncing \-sɪŋ\ *adj* (1563) 1 : LIVELY, ANIMATED 2 : enjoying good health : ROBUST — **bounc-ing-ly** \-sɪŋ-lē\ *adv*

bouncing bet \-'bet\ *n*, often *cap* 2d *B* [fr. *Bet*, nickname for *Elizabeth*] (ca. 1817) : a European perennial herb (*Saponaria officinalis*) of the pink family that is widely naturalized in the U.S. and has pink or white flowers and leaves which yield a detergent when bruised — called also *soapwort*

bouncy \'baun(t)-sə\ *adj* **bounc-i-er**; -est (1921) 1 : BUOYANT, EXUBERANT 2 : RESILIENT 3 : marked by or producing bounces — **bounc-i-ly** \-sə-lē\ *adv*

¹**bound** \'baund\ *adj* [ME *boun*, fr. ON *būinn*, pp. of *būa* to dwell, prepare; akin to OHG *būan* to dwell — more at **BOWER**] (13c) 1 *archaic* : READY 2 : intending to go : GOING (~ for home) (college-bound)

²**bound** *n* [ME, fr. OF *borne*, fr. ML *bodina*] (13c) 1 *a* : a limiting line : BOUNDARY — *usu.* used in pl. *b* : something that limits or restrains (beyond the ~s of decency) 2 *usu pl* *a* : BORDERLAND *b* : the land within certain bounds 3 : a number greater than or equal to every number in a set (as the range of a function); *also* : a number less than or equal to every number in a set

³**bound** *vt* (14c) 1 : to set limits or bounds to : CONFINE 2 : to form the boundary of : ENCLOSE 3 : to name the boundaries of

⁴**bound** *adj* [ME *bouden*, fr. pp. of *binden* to bind — more at **BIND**] (13c) 1 *a* : fastened by or as if by a band : CONFINED (desk-bound) *b* : very likely : SURE (~ to rain soon) 2 : placed under legal or moral restraint or obligation : OBLIGED (duty-bound) 3 : made costive : CONSTIPATED 4 *of a book* : secured to the covers by cords, tapes, or glue 5 : DETERMINED, RESOLVED 6 : held in chemical or physical combination (~ water in a molecule) 7 : always occurring in combination with another linguistic form (*un-* in *unknown* and *-er* in *speaker* are ~ forms) — compare 1 **FREE** 11d

⁵**bound** *n* [MF *bond*, fr. *bondir* to leap, fr. (assumed) VL *bombitire* to hum, fr. L *bombus* deep hollow sound — more at **BOMB**] (1553) 1 : LEAP, JUMP 2 : the action of rebounding : BOUNCE

⁶**bound** *vi* (1592) 1 : to move by leaping 2 : REBOUND, BOUNCE

bound-ary \'baun-d(ə)-rē\ *n*, pl -aries (1626) : something that indicates or fixes a limit or extent; *specif* : a bounding or separating line, point, or plane

boundary layer *n* (ca. 1921) : a region of retarded fluid near the surface of a body which moves through a fluid or past which a fluid moves

bound-en \'baun-dən\ *adj* [ME] (14c) 1 *archaic* : being under obligation : BEHOLDEN 2 : made obligatory : BINDING (our ~ duty)

bound-er \-dər\ *n* (1505) 1 : one that bounds 2 : a man of objectionable social behavior : CAD

bound-less \'baun-dləs\ *adj* (1592) : having no boundaries : VAST — **bound-less-ly** *adv* — **bound-less-ness** *n*

bound up *adj* (1611) : closely involved or associated — *usu.* used with *with*

boun-te-ous \'baunt-ē-əs\ *adj* [ME *bountevous*, fr. MF *bontif* kind, fr. OF, fr. *bonté*] (14c) 1 : giving or disposed to give freely 2 : liberally bestowed — **boun-te-ous-ly** *adv* — **boun-te-ous-ness** *n*

boun-tied \'baunt-ēd\ *adj* (1788) 1 : having the benefit of a bounty 2 : rewarded or rewardable by a bounty

boun-ti-ful \'baunt-i-fəl\ *adj* (1508) 1 : liberal in bestowing gifts or favors 2 : given or provided abundantly (a ~ harvest) *syn* *see* **LIBERAL** — **boun-ti-ful-ly** \-(fə)-lē\ *adv* — **boun-ti-ful-ness** \-fəl-nəs\ *n*

boun-ty \'baunt-ē\ *n*, pl *bounties* [ME *bounte* goodness, fr. OF *bonté*, fr. L *bonitas*, fr. *bonus* good, fr. OL *duenos*; akin to MHG *zwidn* to grant, L *bene* well] (13c) 1 : something that is given generously 2 : liberality in giving : GENEROSITY 3 : yield esp. of a crop 4 : a reward, premium, or subsidy esp. when offered or given by a government : *a* : an extra allowance to induce entry into the armed services *b* : a grant to encourage an industry *c* : a payment to encourage the destruction of noxious animals *d* : a payment for the capturing or assisting in capturing an outlaw

\ə\ about \ʔ\ kitten, F table \ər\ further \ə\ ash \ā\ ace \ä\ cot, cart
au\ out \ch\ chin \e\ bet \ē\ easy \g\ go \i\ hit \i\ ice \j\ job
ŋ\ sing \ō\ go \ō\ law \ōi\ boy \th\ thin \th\ the \ü\ foot \ü\ foot
v\ vet \zh\ vision \ä, k, n, ce, oe, ue, ue, ŷ\ *see* Guide to Pronunciation

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2008, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to counsel of record on the Court's CM/ECF registrants for this case. I further certify that on July 15, 2008, I caused a copy of the foregoing document to be served upon the following in the manner indicated:

BY E-MAIL AND HAND DELIVERY

Jack B. Blumenfeld
Julia Heaney
Morris, Nichols, Arsht & Tunnell, LLP
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899
jblumenfeld@mnat.com

BY E-MAIL

Scott M. Daniels
Ken-Ichi Hattori
Michael J. Caridi
Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Ave. NW
Washington, D.C. 20036
sdaniels@whdapatentlaw.com

/s/ Francis DiGiovanni

Francis DiGiovanni (#3189)